

## CABINET

Minutes of the meeting held on 14 December 2023 commencing at 7.00 pm

Present: Cllr. Perry Cole (Vice Chairman in the Chair)

Cllrs. Perry Cole, Dyball, Maskell, McArthur and Reay

An apology for absence was received from Cllr. Thornton

Cllrs. Bulford, Clayton, Esler, Grint, Harrison, Robinson, Roy, Streatfeild, White and Williams were also present.

### 51. Minutes

Resolved: That the Minutes of Cabinet held on 9 November 2023, be approved and signed by the Chairman as a correct record.

### 52. Declarations of interest

Cllr Dyball declared for Minute 57 that she was the local member but remained open minded.

Cllr Perry Cole declared for Minute 57 that he was the County Member for Swanley and had not been involved in discussions.

### 53. Questions from Members (maximum 15 minutes)

In response to a question regarding a consultation on Violence Against Women and Girls, Members were advised that the consultation opened on 27 November and ran until 7 January 2023. As well as responses from women and girls, it would also give men and boys the opportunity to respond as well to share their views.

Questions were asked regarding the Public Spaces Protection Order in Halstead. In response to questions Members were advised that it was important that all residents possibly effected responded to the consultation, if agreed. The work was undertaken with both Kent Police, Met Police and Bromley Council.

In response to questions regarding the local plan, housing needs assessment and exception sites, Members were advised that a full written response would be provided.

### 54. Matters referred from Council, Audit Committee, Scrutiny Committee, CIL Spending Board or Cabinet Advisory Committees (if any)

a) Allocation of Community Infrastructure Levy (CIL) Contributions to Local and Strategic Infrastructure Projects

Members considered the recommendations from the Community Infrastructure Levy (CIL) Spending Board.

The Chairman of the CIL Spending Board was delighted that the Board had been able to make recommendations for approval of all the projects which covered a wide range of projects within the District.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

A. i) That the £250,000 applied for, as set out in the report, for the scheme “Sevenoaks Wildlife Reserve redevelopment project” be approved on the following grounds:

- Strong social, economic and environmental benefits to the community;
- Strong link between new development and the scheme;
- Good partnership working;
- Significant public benefit;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme contributes towards the Council's commitment to tackling climate change.

This should be subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as condition of payment that:

- Funding for the entire project has been secured.

ii) If the legal agreement is not signed in accordance with the above, then the funding applied for would be refused, for:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

B. i) That the £209,000 applied for, as set out in the report, for the scheme “Public Rights of Way Improvements” be approved on the following grounds:

- Strong social, and environmental benefits to the community;
- Strong link between new development and the scheme;
- Significant public benefit;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme does not already benefit from CIL funding;
- The scheme contributes towards the Council's commitment to tackling climate change.

This should be subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as condition of payment that:

- Written confirmation that the required consents for each tranche are secured before the transfer of the CIL funds.

ii) If the legal agreement is not signed in accordance with the above, then the funding applied for would be refused, for:

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- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

C. i) That the £25,000 applied for, as set out in the report, for the scheme “New sewerage connection at Swanley Park” be approved on the following grounds:

- Strong social, economic and environmental benefits to the community;
- The scheme is identified in an adopted strategy or plan;
- Significant public benefit;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme contributes towards the Council's commitment to tackling climate change.

This should be subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as condition of payment that:

- Funding for the entire project has been secured.

ii) If the legal agreement is not signed in accordance with the above, then the funding applied for would be refused, for:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

- D. i) That the £17,000 applied for, as set out in the report, for the scheme “West Kingsdown Village Hall Car Park” be approved on the following grounds:

- Strong social benefit to the community;
- Good partnership working;
- Significant public benefit;
- Funding maximised from other sources;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme does not already benefit from CIL funding.

This should be subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as condition of payment that:

- Funding for the entire project has been secured.

- ii) If the legal agreement is not signed in accordance with the above, then the funding applied for would be refused, for:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

- E. i) That the £787,500 applied for, as set out in the report, for the scheme “Greatness community pavilion” be approved on the following grounds:

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- Strong social, economic and environmental benefits to the community;
- Strong link between new development and the scheme;
- Good partnership working;
- The scheme is identified in an adopted strategy or plan;
- Significant public benefit;
- Funding maximised from other sources;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme contributes towards the Council's commitment to tackling climate change.

This should be subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as condition of payment that:

- Funding for the entire project has been secured.

ii) If the legal agreement is not signed in accordance with the above, then the funding applied for would be refused, for:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

F. i) That the £20,000 applied for, as set out in the report, for the scheme "Harvestfield Park play facilities improvement" be approved on the following grounds:

- Strong social benefit to the community;

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- Strong link between new development and the scheme;
- The scheme is identified in an adopted strategy or plan;
- Significant public benefit;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme does not already benefit from CIL funding.

This should be subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as condition of payment that:

- Funding for the entire project has been secured.
- Should the total budget not come to the £20,000 as applied for, then the unspent money would be returned to the Council.

ii) If the legal agreement is not signed in accordance with the above, then the funding applied for would be refused, for:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

### 55. Budget Update

The Portfolio Holder for Finance & Investment presented the report which was stage 3 of the of the 2024/25 budget setting process, following all six Advisory Committees and giving all Members the opportunities to contribute their ideas to the process. The report set out that the annual budget gap had reduced from £1.368m which was in the Financial Prospects Report, to £656,000 if all of the SCIA's were approved or £994,000 if they were not.

Although significant progress had been made in reducing the budget gap, further work was still required and it was proposed that Cabinet provided officers with a steer as to the areas to focus on to deliver the remaining savings required.

The Chief Officer Finance & Trading further advised that he was pleased to report that the Advisory Committees had supported all of the SCIA's that were presented to them, and discussed other proposals put forward by Members. It was agreed that only one should be put forward to Cabinet, to increase the maximum council tax which could be charged on an unoccupied property. This was already in the budget proposals and so no decision was required.

There remained a number of risks in the budget which included, the April 2024 pay award, increased to 3% but it may need to increase further and each 1% increase impacted the budget by about £200,000, business rates that could be financially positive, but there could be an impact on Council Tax income due to the less than expected number of properties that had been built.

The next budget update would be presented in January and would result in a revised budget position so that any changes could be made prior to the Council Tax setting report to Cabinet and Council in February.

The Cabinet discussed Appendices D and E and there was no dissent from those listed. Noting that appendix F put forward by the advisory committee had already been included in the budget there was no further discussion. The Portfolio Holders suggested there were areas their Chief Officers could look into for further savings and or income.

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the public sector equality duty.

Resolved: that

- a) the comments and recommendations of the Advisory Committees regarding the growth and savings/additional income proposals (SCIA's) listed in Appendix D and detailed in Appendix E, be noted.
- b) that no further action be taken on the further growth and savings/additional income suggestions put forward by the Advisory Committees listed in Appendix F
- c) that officers look for further savings/additional income options focused on the following areas:
  - service delivery for community mobilisation,

- grants and contracts to outside bodies,
- investment receipts,
- business rates inflationary impact.
- Also to continue working on areas recently raised by Members including procurement and consultancy. But recognising that these may not have an immediate financial impact .

**56. Infrastructure Funding Statement (IFS) Priorities**

The Portfolio Holder of the Development & Conservation Advisory Committee presented the report which set out the priorities within the annual Infrastructure Funding Statement (IFS), and updated the committee on how recent developer contributions had been spent. The IFS was an annual requirement within CIL legislation, requiring the Council to set out the income and expenditure from CIL and s106 over the last financial year, and the types of infrastructure the Council intended to fund in the coming year. He advised that the Development & Conservation Advisory Committee had considered in detail the IFS and supported the recommendations to Cabinet.

The officer outlined the evidence base considered in the formation of the proposed priorities. The emerging Local Plan was an important consideration, to ensure that growth was supported and the impact of new developments was considered. The Infrastructure Delivery Plan (IDP) was also an important consideration. Statements based on ongoing engagement with infrastructure providers, as part of the Local Plan process, were produced in 2022 and 2023.

The proposed priorities for the coming year were largely unchanged, with some refinements based on ongoing engagement with infrastructure providers. These included more specific education and health & social care provisions, needed to support growth within the Local Plan. Members were reminded that the priorities within the IFS were not binding, but provided transparency to developers and communities regarding infrastructure-funding intentions.

**Public Sector Equality Duty**

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the criteria for prioritising infrastructure projects as set out below remain
- The project should fall within the infrastructure types/projects identified in the IFS report.
  - The project has been identified in the IDP. (This ensures that the infrastructure prioritised supports the Local Plan).

- The project supports and is clearly related to proposed site allocations or new development in the District. There is a strong link between development and the proposed project.
- There is a strong social, environmental or economic justification for the proposed project.
- The project has not previously received CIL funding.
- The project has support from infrastructure providers.
- There is an existing need for the project, or it will be expected to be delivered within the next 5 years.
- That it is identified as having a critical or high need, where the project has to be delivered to support new development.
- There are no significant issues with funding or landownership.
- Where there is a clear plan as to how the project would be funded.

and

- b) the specific projects and types of infrastructure recommended in paragraphs 21-33 of this report (Highways and Transport, Utilities, Health & Social Care, affordable housing, Corporate priorities, education, and broadband) be identified in the IFS as having a priority for full or partial funding.

#### 57. Swanley Neighbourhood Plan Regulation 16 Consultation

The Portfolio Holder of Development & Conservation presented the report, which updated the committee on the progress of the Swanley Neighbourhood Plan, and set out Council's proposed response to the ongoing Regulation 16 Consultation. The Development & Conservation Advisory Committee supported the recommendations.

The consultation began on 30 November and would run until 11 January 2024. The Council's comments reflected the need for the Neighbourhood Plan to be aligned with the council's existing policies, and the emerging Local Plan.

The draft response did not yet include comments from officers across the council; these would be agreed with the Portfolio Holder, along with any feedback from the committee process. However the Leader of the Swanley Town Neighbourhood Plan Steering Group had had sight of the response.

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) The proposed representation to the Swanley Neighbourhood plan, be approved; and
- b) The Portfolio Holder for Development & Conservation, be delegated authority to agree the final representation, including any amendments raised by Officers.

**58. Economic Development Strategy Update**

Members considered the report which set out the first annual progress update on the five year strategy which was aligned with the UK SPF programme and dictated focus for initial activity. The strategy had no additional funding associated therefore funding availability and opportunities for partnership working was maximized.

The Economic Development Officer advised that the key achievements and that supporting local economy was at the heart of the work undertaken through a variety of means and flexibility within the framework to adapt to external circumstances and opportunities had allowed for successful delivery this year and set a framework for future years.

Appendix A set out the positive progress with 86% of actions either green or amber. 9% of actions had not yet commenced and would in future years. For the 5% that were currently red, work was continuing to bring forward solutions and it was hoped to progress towards Amber prior to completion.

Members discussed the report.

Resolved: That the report be noted.

**59. UK Shared Prosperity Fund update**

Members considered the report which updated Members on the monitoring of the UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF).

The Economic Development Officer advised Members that the programme was subject to extensive Government led monitoring processes and to date all reports submitted had been approved and no concerns raised regarding delivery. The scheme reported focuses on interventions outcomes and outputs against the ambitious programme of 15 project areas including both Capital and Revenue spend. The programme reflected on the council's commitment to deliver as much as possible within the limited funding provided and to maximize the Economic Development Strategy activity to work alongside the activity.

Appendix A provided a summary of projects and an overview of activity and to date there were no concerns about achievability. The funding had allowed additional staffing resource, and a number of grant schemes had been delivered. This included both business, rural and community grants as well as support for Town's and Parish Councils across the District. Some programmes had been delivered with neighbouring West Kent authorities, and where this took place all Sevenoaks funding was distributed to Sevenoaks recipients.

The progress to date had been positive and there was more activity proposed to be delivered in the final year of the scheme, including people and skills project which was allocated to the final year of the programme.

In response to questions, Members were advised that the eligibility for funding was set by DEFRA and there had been no ability to challenge. There were other funding schemes which rural areas could apply for if they did not fall within the scheme and Officers would signpost to these.

Resolved: That the report be noted.

60. Pest Control Service Review

The Portfolio Holder presented the report which proposed the termination of the pest control service, which was a non-statutory services operating at a market share of below 2%. The Cleaner & Greener Advisory Committee had considered the same report and recommended to Cabinet that option two be agreed.

In 2022/23, only 348 domestic jobs were completed by a single officer who provided the service including free telephone advice but it meant that there was very little resilience. The council would work with the British Pest Control Association to source local accredited suppliers, to ensure that residents were able to access local businesses.

Members discussed the report.

Public Sector Equality Duty

Members gave consideration to impacts under the public sector equality Duty.

Resolved: That option 2, to cease the service as detailed in paragraphs 26 – 29 of the report be agreed.

61. Cess Pool service Review

The Portfolio Holder for Cleaner & Greener presented the report, which set out the service review of the cess pool emptying service, and recommended its termination. This was a non-statutory service for domestic and commercial customers, and had historically struggled to generate profit, despite frequent usage. The service was unable to secure profitable jobs in competition with the private sector. The service consisted of a single cesspool tanker, one driver, and one operator. The Cleaner &

Greener Advisory Committee had considered the same report and supported recommendation two to Cabinet.

The Head of Direct Services explained that a pre-MOT test investigation had shown that the tanker would fail in nearly every area, and would require significant investment to remain operable.

In response to questions, the Head of Direct Services explained that there were a number of private cesspool services within the district, so the termination of the service would not negatively impact existing customers. Communications would be issued to existing customers to help them migrate to new providers. These would focus on promoting local services.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the public sector equality duty.

Resolved: That Option 2 – Cease the Cesspool Service, as detailed in the report, be approved.

62. Public Spaces Protection Order - The Vine Consultation Response & Order

The Portfolio Holder presented the report, which outlined the consultation responses regarding the proposed Public Spaces Protection Order for The Vine, Sevenoaks. The consultation ran from 14 August to 24 September 2023, and was sent to four schools within the district, and to selected schools in Tunbridge Wells and Tonbridge. 253 responses were received in total. 83.4% of respondents supported bringing in an Order prohibiting engaging in anti-social behaviour (ASB) and returning to the area within 24 hours after being asked to leave. Laura Trott MP had written to the Portfolio Holder in support of the PSPO. The People & Places Advisory Committee had considered the same report and supported the recommendations to Cabinet.

The Health and Communities Manager brought Members' attention to the results of the consultation within Appendix A to the report. Work was ongoing to help more reports be made to the Police and Community Safety Unit, to allow ASB to be recorded and addressed quickly. The PSPO would stand for 3 years, and would be reviewed after 2 years. As the land was owned by the Town Council it required their agreement which had been given. The PSPO had been created in partnership with the Town Council, Police and other partners and would be managed and maintained in conjunction with them. A task and finish group for the next steps of implementation had been agreed.

Members discussed the report.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) The contents of the report and the outcome of the statutory 6 week public consultation be noted; and
- b) the implementation of a Public Spaces Protection Order (PSPO) and its two measure to address ASB at the Vine, Sevenoaks and surrounding grass areas for a period of up to 3 years, with effect from 5 February 2024, be approved.

63. Public Spaces Protection Order - London Road, Halstead, Orpington By Pass Badgers Mount And The M25 Spur Road

The Portfolio Holder for People & Places presented the report which proposed a four-week consultation regarding a public spaces protection order for London Road, Halstead, Orpington Bypass Badgers Mount and the M25 spur road. This PSPO would last for 3 years and would address, among other issues, the blocking of the road with car meets. This had been developed by officers from the council, Kent Police, Met Police, and Bromley Council working in partnership, as the issue was centred on the border between Sevenoaks and Bromley. Laura Trott MP had written to the Portfolio Holder indicating her support for the order. The report had been considered by the People & Places Advisory Committee which had supported the recommendation to Cabinet.

If approved by Cabinet, the consultation would begin on 28 December and run for four weeks. The survey would be targeted to local residents most affected by the issue. It would provide an opportunity to gather facts, areas of proposals and for residents to give their views.

Members discussed the report.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the consultation be approved.

64. Citizen's Advice Service Level Agreement 2024-2027

The Portfolio Holder for People & Places presented the report which set out the proposed Service Level agreement for Citizen's Advice in the district, as the current agreement would end on 31 March 2024. The work that Citizen's Advice undertook in the district, addressed complex cases in a wide range of areas.

The SLA had been agreed by the Edenbridge & Westerham and Sevenoaks & Swanley Citizen's Advice groups. The agreement was largely identical to the current SLA, with the exception that should the funding for the agreement be affected, Citizen's Advice would be notified. The People & Places Advisory Committee supported the recommendation to Cabinet.

Members discussed the report.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the draft Service Level Agreement for 2024 – 27 be approved.

65. Interim Leisure Operator Monitoring Report

The Portfolio Holder for People & Places presented the report, which updated Members on the performance and monitoring of the interim leisure operator contract with Everyone Active, for the Edenbridge & Sevenoaks Leisure Centres and Lullingstone Park Golf Course. The contract would end in April 2025, and an options report for the contract arrangements would be presented to the committee in 2024.

Members noted the strong performance usage and the services provided benefitting the residents.

Resolved: That

- a) the performance of Everyone Active in providing leisure facilities and services for the community and visitors of Sevenoaks District for the period 1 April 2023 to 30 September 2023, be noted.
- b) Officers bring a report to Cabinet providing an update on the provision and procurement process for the leisure facilities currently being managed under the interim leisure operator contract, be agreed.

**IMPLEMENTATION OF DECISIONS**

This notice was published on 18 December 2023. The decisions contained in Minute 55, 57, 58, 59 and 65 take effect immediately. The decisions contained in Minute 54, 56, 60, 61, 62, 63, and 64 take effect on 28 December 2023.

THE MEETING WAS CONCLUDED AT 8.20 PM

CHAIRMAN